



Image

1644

PATENT
Attorney Docket No.: 53529-5005-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:)
Karl NOCKA *et al.*)
Application No.: 10/005,907) Group Art Unit: 1644
Filed: December 7, 2001) Examiner: P. Huynh, Ph.D.
For: NOVEL GENES ASSOCIATED WITH)
ALLERGIC HYPERSENSITIVITY AND)
MAST CELL ACTIVATION)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Response to the Notice of Non-Compliant Amendment (37 CFR 1.121)

2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, copies of ____ references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for ____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$0.00

3. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	71	minus	71	0	x \$18/\$9 each =	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	7	minus	7	0	x \$86/\$43 each =	\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$290/\$145	\$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 0.00

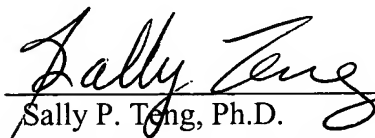
5. Fee Payment

- ☐ The Commissioner is hereby authorized to charge \$_____ to Deposit Account No. 50-0310 for a Third-Month Extension of Time Fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: February 24, 2004
Morgan Lewis & Bockius LLP
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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment, dated January 26, 2004, enclosed is a corrected amendment to the claims. This response is filed within the one month period provided by the Notice.